

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DOUGLAS N. BARBER,

Civil No. 11-1221 (JRT/TNL)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

MICHAEL J. ASTRUE,

Defendants.

Neut Strandemo, **STRANDEMO SHERIDAN & DULAS, PA**, 1380 Corporate Center Curve, Suite 320, Eagan, MN 55121, for plaintiff.

David Fuller, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Tony N. Leung, dated August 16, 2012 [Docket No. 21]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment [Docket No. 9] is **GRANTED IN PART** and this matter is **REMANDED** for further consideration;
2. Defendant Commissioner's Motion for Summary Judgment [Docket No. 17] is **DENIED**.

Dated: September 4, 2012
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge